

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NATHANIEL CARTER, JR.,

CASE NO. 5:18 CV 2764

Petitioner,

v.

JUDGE JAMES R. KNEPP II

NEIL TURNER, Warden,

**MEMORANDUM OPINION AND
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge David A. Ruiz's Report and Recommendation ("R&R") to deny Petitioner Nathaniel Carter, Jr.'s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 17). Specifically, Judge Ruiz recommends the Court find Petitioner's asserted Grounds One through Four are all without merit because Petitioner has not shown the state court's decision to have (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established federal law, or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding. *See id.*; 28 U.S.C. § 2254(d).

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court

of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on June 23, 2021, and it is now July 22, 2021. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Ruiz's thorough R&R, and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Ruiz's R&R (Doc. 17) as the Order of this Court, and DENIES the Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE